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PATENT
Customer No. 22,852
Attorney Docket No. 05725.0844

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David W. CANNELL *et al.*) Group Art Unit: 1618
Application No.: 09/820,858)
Filed: March 30, 2001) Examiner: B. Fubara
For: HEAT ACTIVATED DURABLE)
CONDITIONING COMPOSITIONS) Confirmation No. 3869
COMPRISING AN AMINATED C₃)
TO C₅ SACCHARIDE UNIT AND)
METHODS FOR USING THE SAME)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oréal S.A., duly organized under the laws of FRANCE and having its principal place of business at 14, Rue Royale, 75008, Paris, France, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the instant application, Application No. 09/820,858, filed March 30, 2001 for HEAT ACTIVATED DURABLE CONDITIONING COMPOSITIONS COMPRISING AN AMINATED C₃ TO C₅ SACCHARIDE UNIT AND METHODS FOR USING THE SAME, as indicated by assignment duly recorded in the United States Patent and Trademark Office on August 7, 2001, at Reel 012051 and Frame 0108. Assignee, L'Oréal S.A., further represents that it is the assignee of the entire right, title and interest in and to the

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U.S. Patent No. 6,486,105, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012004, Frame 0697 on July 23, 2001.

Evidentiary documents have been reviewed and, to the best of assignee's knowledge and belief, title to both the instant application and U.S. Patent No. 6,486,105 is in the assignee submitting this Terminal Disclaimer.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,486,105. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and prior U.S. Patent No. 6,486,105 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of prior U.S. Patent No. 6,486,105, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 27, 2007

By: 

Thalia V. Warnement
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